

posteriorly removing the damaged vertebral disc to create an intervertebral space;

providing opposing supports and positioning the supports into the intervertebral space;

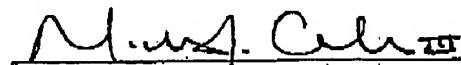
positioning a cushioning member in between the opposing supports, the cushioning member functioning to replace the damaged disc.

REMARKS

All pending claims are believed to be free of the prior art and in a condition for allowance. Favorable action and a notice of allowance are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account No. 50-1667.

Respectfully submitted,

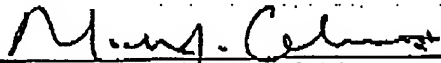


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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing was placed in an envelope and mailed via first class mail, postage paid, to the U.S. Patent and Trademark Office 220 20th Street South, Customer Window, Mail Stop Amendment, Crystal Plaza Two, Lobby, Room 1B03, Arlington, VA 22202, on this the 5 day of October, 2004.

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